



Decision

DOCUMENT FOR PUBLIC RELEASE

The decision issued on the date below was subject to a GAO Protective Order. This redacted version has been approved for public release.

Matter of: Antium, LLC

File: B-421291; B-421291.2

Date: March 6, 2023

Kevin P. Mullen, Esq., Sandeep N. Nandivada, Esq., and Victoria Dalcourt Angle, Esq., Morrison & Foerster LLP, for the protester.

W. Brad English, Esq., Jon D. Levin, Esq., Emily J. Chancey, Esq., Mary Ann Hanke, Esq., and Nicholas P. Greer, Esq., Maynard, Cooper & Gale, PC, for the intervenor.

Seth Ritzman, Esq., Andrew J. Smith, Esq., Natalie W. McKiernan, Esq., Dmitrius R. McGruder, Esq., Department of the Army, for the agency.

Christine Milne, Esq., and Tania Calhoun, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest that the agency unreasonably evaluated proposals is denied where the record shows that the agency's evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

Antium, LLC, of Alexandria, Virginia, protests the issuance of a task order to New Generation Solution, LLC, (NGS) of Huntsville, Alabama, under task order proposal request (TOPR) No. PANMRA-22-P-0000-002467, issued by the Department of the Army for information technology and information management (IT/IM) support services at the Walter Reed Army Institute of Research (WRAIR), in Silver Spring, Maryland. The protester contends that the agency unreasonably evaluated proposals and made a flawed best-value tradeoff decision.

We deny the protest.

BACKGROUND

The Army issued the TOPR on July 29, 2022, pursuant to the procedures in Federal Acquisition Regulation (FAR) subpart 16.5, under the General Services Administration's 8(a) STARS III governmentwide acquisition contract, seeking IT/IM support services at

the WRAIR. Agency Report (AR), Tab 3, TOPR at 1; Tab 3q, TOPR, amend. 3 at 1.¹ The TOPR contemplated the award of a single fixed-price task order to be performed over a 21-day transition-in period, one 6-month base period, four 1-year option periods, one 30-day transition-out period, and one additional 6-month option period. TOPR, amend. 3 at 1-2.

The TOPR's performance work statement (PWS) described the scope as including, but not limited to: network, system administration, help desk, cyber security, application, web development, .Mil system, plant/campus network system, stand-alone system, and IT medical device IT support. AR, Tab 3m, attach. 1, PWS, amend. 1 at 2. Contractors were also to provide expertise in Risk Management Framework (RMF) accreditation processes, and IT infrastructure operations, maintenance, and planning. *Id.*

Award would be made to the firm whose proposal provided the best value as evaluated under four factors, listed in descending order of importance: technical approach, experience, past performance, and price. TOPR, amend. 3 at 10. When combined, the non-price factors were significantly more important than price. *Id.* at 11.

Under the technical approach factor, offerors were to submit a detailed approach demonstrating their understanding of all tasks required by the PWS. In their approach, offerors were to address how they would provide a wide-range of IT/IM support, including network, help desk, hardware, software, server, stand-alone, and RMF support. *Id.* at 5-6. The TOPR instructed offerors to use a matrix in their proposals cross-mapping PWS tasks with the offeror's proposed approaches and proposed level of effort for each task. *Id.* at 5.

Under the experience factor, the TOPR required offerors to submit a narrative detailing their relevant and recent experience with the IT/IM support services required by the solicitation. *Id.* at 6. Specifically, the TOPR instructed offerors to demonstrate their experience with the following IT/IM support services: .Mil systems, plant/campus network systems, stand-alone systems, IT infrastructure operations, maintenance, and planning, RMF accreditation processes, and Defense Health Agency (DHA) IT support. *Id.* Offerors were also required to submit resumes for at least six key personnel positions and to identify for each key position the PWS tasks they would perform. *Id.* at 7.

The technical approach and experience factors were evaluated using an adjectival rating scheme of outstanding, good, acceptable, marginal, or unacceptable. *Id.* at 13-14. After proposals were rated under the non-price factors, proposals were assigned an overall technical rating using the same adjectival ratings.² *Id.* at 11.

¹ Where possible, citations are to preexisting pagination. Otherwise, citations are to the Adobe PDF page numbers.

² The past performance factor, not at issue here, was evaluated as relevant or not relevant; the agency also assigned confidence ratings of substantial confidence,

The agency received proposals from 14 offerors, including Antium and NGS. AR, Tab 10, Source Selection Decision Document (SSDD) at 23. The source selection evaluation board (SSEB) assigned the proposals of both Antium and NGS ratings of “good” under the technical approach factor and “outstanding” under the experience factor, and overall technical ratings of “good” for both. AR, Tab 11, SSDD, attach. 1, Evaluation Details. The SSEB also assigned relevant/neutral confidence and relevant/satisfactory confidence to Antium and NGS’s proposals, respectively, under the past performance factor. AR, Tab 14, Unsuccessful Offeror Letter at 1. Antium’s total price was \$17,993,394 and NGS’s was \$16,357,598. *Id.*

Under the technical approach factor, Antium’s proposal received one significant strength for its use of [DELETED], and NGS’s proposal received one significant strength for its [DELETED]. AR, Tab 12, SSDD, attach. 2, Technical and Experience Factors Evaluation at 8, 16.

Under the experience factor, Antium’s proposal received two significant strengths for its proposed key personnel and its experience working on DHA RMF packages. *Id.* at 17. NGS’s proposal also received two significant strengths for its [DELETED]. *Id.* at 9-10. Both proposals received a strength for performing IT and cyber security support services for several DHAs. *Id.* at 9-10, 17. Lastly, Antium’s proposal received one weakness for failing to provide sufficient information about its stand-alone device experience. *Id.* at 18.

Regarding this weakness, the agency noted that the portion of Antium’s proposal discussing its experience with stand-alone devices mentioned medical devices, but then stated that these devices were all on the Department of Defense network. *Id.* The SSEB noted that this statement demonstrated “either a lack of understanding of what a stand-alone device is or no experience in managing stand-alone devices.”³ *Id.* The agency determined that this ambiguity was a weakness that increased the risk of unsuccessful performance because “stand-alone devices require significant amounts of touch labor and eliminate the use of enterprise tools for centralized management. If the contractor does not have an experience or understanding of stand-alone devices, it may develop a management strategy that will not support the requirements . . . and lead to a failure to maintain WRAIR’s stand-alone devices.” *Id.*

satisfactory confidence, neutral confidence, limited confidence, or no confidence. *Id.* at 12, 14-15.

³ “Stand-alone” refers generally to hardware or software that is capable of performing its function without being connected to any other device. Oxford University Press, A Dictionary of Computer Science 525 (7th ed. 2016). A stand-alone system or network, also known as an “intranet,” is set up by an organization and resembles the World Wide Web, but is inaccessible to external users. *Id.* at 284. A stand-alone device performs its function without a connection to a network. *Id.* at 525.

The source selection authority (SSA) reviewed the SSEB's findings and concurred. In comparing the two proposals, the SSA found the weakness assigned to Antium's proposal particularly concerning because managing stand-alone devices was vital to successful performance. SSDD at 24. The SSA concluded that NGS was the most highly rated technical offeror and offered the lowest price, and therefore a best-value trade-off analysis was not warranted. *Id.* The agency made award to NGS on November 9, for \$16,357,598. AR, Tab 14, Unsuccessful Offeror Letter. Antium requested and received a debriefing and submitted several follow-up questions to the agency. The agency provided its response to Antium on November 21, and stated in part that Antium's overall rating of "good" was given "after taking into consideration a weakness (not significant) specific to its experience in Stand Alone Devices/systems." AR, Tab 18, Email from Agency to Protester (Nov. 21, 2022). This protest followed.⁴

DISCUSSION

Antium raises various challenges to the evaluation of its and NGS's proposals. Under the technical approach factor, Antium contends that the agency failed to assign its proposal additional strengths and to assign NGS's proposal additional weaknesses. Under the experience factor, Antium contends that the agency unreasonably assigned its proposal a weakness and failed to assign NGS's proposal additional weaknesses.

At the outset, we note that the evaluation of proposals in a task order competition is primarily a matter within the contracting agency's discretion, because the agency is responsible for defining its needs and the best method of accommodating them. *NCI Information Systems, Inc.*, B-418977, Nov. 4, 2020, 2020 CPD ¶ 362 at 5. In reviewing protests of an award in a task order competition, we do not reevaluate proposals, but examine the record to determine whether the evaluation and source selection decision are reasonable and consistent with the solicitation's evaluation criteria and applicable procurement laws and regulations. *Id.* Although we address only representative examples of the allegations below, we have considered all of Antium's arguments and find that they do not provide a basis to question the agency's evaluation.⁵

⁴ Because the task order was issued under the authority of title 41 of the United States Code and the value of the task order is in excess of \$10 million, this protest is within our jurisdiction to consider protests regarding task orders issued under civilian agency indefinite-delivery indefinite-quantity multiple award contracts. See 41 U.S.C. § 4106(f)(1)(B); *Xenith Group, LLC*, B-420706, July 14, 2022, 2022 CPD ¶ 184 at 2 n.1.

⁵ Antium asserts that the source selection decision was flawed as a result of the alleged flaws in the evaluation. As we conclude that the record does not support the protester's allegations as to the agency's evaluation, this challenge, derivative of the evaluation challenges, is dismissed because derivative allegations do not establish an independent basis of protest. *CPS Professional Services, LLC d/b/a CATHEXIS*, B-417928.2, Feb. 5, 2020, 2020 CPD ¶ 69 at 6 n.5.

Technical Approach Factor

Antium's Proposal

Antium asserts that the agency failed to assign its proposal three additional strengths under the technical factor. One of the additional strengths is, in Antium's view, based on "its proven approach to delivering effective Help Desk customer service." Comments & Supp. Protest at 4. While Antium claims that its approach to help desk support exceeds the requirements in four ways, the agency maintains that none of Antium's processes exceed the technical requirements and as a result, its proposal does not merit a strength. Memorandum of Law (MOL) at 19. Our review of the record provides us no basis to question the agency's evaluation. Below, we address the four ways Antium asserts its approach exceeds the requirements.

Antium first asserts that its approach exceeds the requirements because it ensures efficient troubleshooting, escalation, resolution, and recovery of incidents. Comments & Supp. Protest at 4.

The technical approach factor required in part that proposals demonstrate offerors' ability to provide help desk support. Part of paragraph 6.2.4.1 of the PWS detailed the help desk requirements relevant here:

[Help desk] technicians will support Incident, Problem, and Request Management processes leveraging the ITIL^[6] service framework and best-business practices. Help Desk technicians will provide End User Development (EUD) support service and incident resolution remotely and through touch-labor services to ensure that the end user operational environment is functional.

PWS at 6.

In response to Antium's allegation, the SSA explains that, in the agency's view, Antium's approach to troubleshooting, escalation, resolution, and recovery of incidents is simply a standardized, repeatable approach that meets the above requirement to provide support leveraging [the] ITIL service [f]ramework. AR, Tab 2, Source Selection Authority Declaration (SSAD) at 9. This is because "standardized repeatable practices are a key component to the ITIL framework." *Id.* Antium has not presented us with any evidence that its approach objectively exceeds the requirements and, as a result, we have no basis to object to the agency' decision not to assign a strength to Antium's proposal for this portion of its approach.

⁶ "ITIL" stands for IT Infrastructure Library. IBM, What is IT Infrastructure Library (ITIL)? <https://www.ibm.com/topics/it-infrastructure-library> (last visited Feb. 8, 2023).

Antium next asserts that its approach exceeds the requirements in three additional ways: (1) it includes [DELETED]; (2) it provides [DELETED]; and (3) it provides [DELETED]. Comments & Supp. Protest at 4.

Paragraph 6.2.4.3 of the PWS required in part that:

Weekly reports of work completed and backlogged work shall be provided to the IMD management team. On a monthly basis the contractor shall review and evaluate Help Desk calls and trouble tickets to determine trends, determine if the knowledgebase needs to be updated with new information or procedures, and recommend solutions/process improvements.

PWS at 6.

Deliverable 7 of the PWS also required the contractor to “[r]eport [] all Help Desk calls, trouble tickets completed and backlog including updates to knowledge base and escalation paths and recommendations for improving first call resolution.” *Id.* at 17.

As above, the SSA responds that Antium’s proposed approach does not exceed these requirements. The SSA explains that Antium’s processes of [DELETED], simply meet the requirements listed above that the contractor provide weekly reports, review calls and tickets to determine trends, provide updates to the knowledgebase, and provide solutions. SSAD at 11.

We again find that Antium has not provided any evidence that its approach objectively exceeds the requirements. Our review of the record shows that these arguments amount to nothing more than disagreement with the agency’s judgments regarding the specific elements of Antium’s proposal, and as a result, the protest allegations in this regard are denied. SSI, B-413486, B-413486.2, Nov. 3, 2016, 2016 CPD ¶ 322 at 9.

NGS’s Proposal

Antium asserts that NGS’s proposal should have received two weaknesses under the technical approach factor. Antium first asserts that NGS’s proposal should have received a weakness because NGS does not have the necessary staff on hand to meet the requirements. Comments & Supp. Protest at 5. As the sole basis of support for this contention, Antium points to a post-award questionnaire sent by NGS to employees of one of the incumbent contractors requesting their employment details.

The agency responds that NGS’s proposal fully complied with the requirements of the solicitation to document its technical approach. The SSA explains that NGS’s proposal detailed how it would provide the staff necessary to accomplish the requisite tasks and provided the required matrix cross-mapping PWS tasks with its proposed approaches and proposed level of effort. SSAD at 13; MOL at 22-23. The agency notes that it evaluated the contents of NGS’s proposal against the requirements of the solicitation,

as is required, and could not have assigned a weakness on the basis of the questionnaire NGS sent out after evaluations concluded. The agency also responds that “post-award communications with incumbent staff to gauge interest in staying on with the new contractor . . . [are] entirely typical and uncontroversial.” MOL at 22.

Here, the TOPR required firms to explain how they would provide the required services, and as mentioned above, to include a matrix in their proposals, cross-mapping PWS tasks with the offeror’s proposed approaches and proposed level of effort for each task. TOPR, amend. 3 at 5-6. The record shows that, consistent with the agency’s findings, NGS’s proposal includes the required matrix and details that NGS will have the requisite staff by utilizing its current staff, incumbent staff, and staffing centers and recruiting firms to fill remaining positions. AR, Tab 6, NGS Proposal, Vol. I - Technical at 20.

Antium’s argument that NGS’s proposal should have received a weakness because NGS does not have the necessary staff is without a basis. First, there is nothing inherently inadequate about an offeror’s strategy to hire incumbent staff to meet technical requirements. Second, NGS’s questionnaire had no bearing on the contents of NGS’s proposal and to the extent NGS’s questionnaire was issued to fulfill the strategy outlined in its proposal, our decisions explain that there is nothing unusual nor inherently improper for an awardee to recruit and hire personnel previously employed by an incumbent contractor. *Allied Tech. Group, Inc.*, B-412434, B-412434.2, Feb. 10, 2016, 2016 CPD ¶ 74 at 13-14; accord *Lifecare Mgmt. Partners*, B-297078, B-297078.2, Nov. 21, 2005, 2006 CPD ¶ 8 at 6 n.11.

Antium next asserts that NGS’s proposal should have received an additional weakness under the technical factor because NGS does not have any experience providing the requisite services at the WRAIR and therefore poses a greater risk of unsuccessful performance. Comments & Supp. Protest at 5. Antium points out that, by contrast, its principal subcontractor is the incumbent contractor and has successfully performed services at the WRAIR for five years. Protest at 9. The agency responds that the SSEB and the SSA reasonably concluded that NGS’s proposal met the technical requirements, and Antium has not made any specific allegation as to how NGS’s proposal failed to meet them, or established what NGS’s experience has to do with the technical factor. MOL at 23-24. The agency points out that there was no requirement under the technical factor to demonstrate experience providing IT/IM services at the WRAIR. SSAD at 14. We agree. Antium merely asserts that NGS lacks experience at the WRAIR, which was not a basis for consideration under the technical factor, and has not otherwise stated how NGS’s proposal fails to meet the technical requirements. As a result, we have no basis to question the agency’s judgment not to assign a weakness and this allegation is denied.

Experience Factor

Antium’s Proposal

Antium asserts that the agency unreasonably assigned its proposal a weakness under the experience factor because its proposal did, in fact, demonstrate the requisite experience with stand-alone devices. Comments & Supp. Protest at 10-11. Because Antium raised this argument for the first time in its comments on the agency report, the agency argues that the allegation should be dismissed as untimely filed. We agree.

As discussed above, the agency provided Antium with a written debriefing, and then responded to Antium's questions about the debriefing. The agency's response to Antium's questions stated that the overall "good" rating Antium received was due in part to a "weakness (not significant) specific to its experience in Stand-Alone Devices/systems." AR, Tab 18, Email from Agency to Protester (Nov. 21, 2022). Antium argues that, although the agency's response to Antium's questions disclosed the weakness and the basis for it, it was not enough information for Antium to challenge the weakness in its protest. Comments & Supp. Protest at 7.

Where a protester files supplemental protest grounds, each new ground must independently satisfy the timeliness requirements of our Bid Protest Regulations. Our regulations contain strict rules for the timely submission of protests. These rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. *Verizon Wireless*, B-406854, B-406854.2, Sept. 17, 2012, 2012 CPD ¶ 260 at 4. Under these rules, a protest based on other than alleged improprieties in a solicitation must be filed no later than 10 calendar days after the protester knew, or should have known, of the basis for protest, whichever is earlier. 4 C.F.R. § 21.2(a)(2).

Here, Antium was made aware through the response to its debriefing questions that it had been assigned a weakness and why, and our decisions have repeatedly concluded that a protester need not await perfect knowledge before filing a protest. *Peraton, Inc.*, B-416916.11, Feb. 8, 2021, 2021 CPD ¶ 88 at 6. Antium received information regarding the weakness on November 21 and because it failed to raise this argument in its protest, it is dismissed as untimely. *United Excel Corp.*, B-415442, Jan. 4, 2018, 2018 CPD ¶ 16 at 6.

In any event, we find no basis to object to the agency's assessment of a weakness. The section of Antium's proposal discussing stand-alone device and system experience mentions devices and states that they were all on the Department of Defense network. AR, Tab 5, Antium Proposal, Vol. II - Experience at 10. The SSA explains that stand-alone systems are "by definition not on a network." AR, Tab 20, Supp. Contracting Officer Statement (COS) and SSAD at 2. Moreover, the SSA explains that Antium's proposal provided no support for, or demonstration of, stand-alone system or device support, and no other section of its proposal submitted under the experience factor addressed stand-alone systems. *Id.* Although Antium argues that several sections of the technical portion of its proposal mention stand-alone devices and systems, the agency was not required to consider information from the technical portion of Antium's proposal in its evaluation of the experience portion of Antium's proposal. Offerors bear the burden of submitting an adequately written proposal and contracting agencies

evaluating one section of a proposal are not required to go in search of additional information that an offeror has omitted or failed to adequately present. *Carolina Satellite Networks, LLC; Nexagen Networks, Inc.*, B-405558 *et al.*, Nov. 22, 2011, 2011 CPD ¶ 257 at 4. Our review of the record confirms that the agency's conclusions were reasonable, and as a result, we have no basis to object to the agency's decision to assign Antium's proposal a weakness.

NGS's Proposal

Antium asserts that NGS's proposal should have received a weakness under the experience factor because NGS's current staff does not have the experience to show that NGS can perform the task order. Antium again points to the questionnaire NGS sent inquiring about the availability of incumbent staff as evidence to support its claim. Protest at 10; Comments & Supp. Protest at 11. The agency responds that NGS's proposal met the requirements under the experience factor as evinced by the agency's evaluation, and that the questionnaire has no bearing on the evaluation. MOL at 27.

As relevant here, the TOPR provided that proposals would be evaluated in part based on the following:

The Offeror's proposal demonstrates the amount of relevant corporate experience the Offeror possesses. Offeror's relevant experience supports and substantiate[s] that the organization (to include support contractors, consultants, key personnel, and business partners) has current capabilities for assuring performance of this requirement. Experience shows: (a) Appropriate mix and balance of education and training of team members and (b) Quality and effectiveness insofar as the allocation of personnel and resources.

TOPR, amend. 3 at 12.

The SSEB and the SSA found that NGS's proposal showcased its experience at other DHA entities performing tasks identical to the ones required by the solicitation, included a detailed matrix outlining experience, education, and training for each labor category, and provided resumes and proof of certification for all staff slated to fill key positions. AR, Tab 12, SSDD, attach. 2, Technical and Experience Factors Evaluation at 9-10; SSAD at 15-16; Tab 7, NGS Proposal, Vol. II - Experience. Antium responds that the agency's evaluation shows only that NGS, as an organization, has the requisite experience, but does not show that NGS currently has staff with the requisite experience to meet the requirements. Comments & Supp. Protest at 11.

Our review of the record confirms that the agency documented during its evaluation that NGS's proposal demonstrates experience relevant to the requirements, included the required matrix, and proposed key personnel. The questionnaire sent by NGS, the basis for the protester's allegation, does not demonstrate that NGS's proposal did not comply with the requirements under this factor, and Antium has provided no other evidence that NGS's proposal did not comply with the requirements. Therefore, we

have no basis to object to the agency's decision not to assign a weakness and Antium's argument is denied.⁷

The protest is denied.

Edda Emmanuelli Perez
General Counsel

⁷ In its protest, Antium argues that NGS's proposal should have been assigned a weakness because the questionnaire demonstrates that "NGS does not have qualified staff currently, *which likely extends* to their Key Personnel." Protest at 10-11 (emphasis supplied). Antium presents no evidence that NGS's proposed key personnel lack the requisite experience or are unavailable beyond this assertion. As we have already addressed this argument in the context of NGS's non-key personnel and established that there is no evidence that the questionnaire NGS sent had any bearing on the contents of NGS's proposal, this argument amounts to mere speculation and therefore lacks a valid basis of protest. Consequently, the argument is dismissed. See 4 C.F.R. § 21.1(f) and (i).